



HON. SYLVIA O. HINDS-RADIX  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

MARK G. TOEWS  
(o): (212) 356-0871  
mtoews@law.nyc.gov

July 14, 2022

**BY ECF**

Hon. Paul G. Gardephe  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007

Re: R.G., individually and on behalf of his child, E.G. v. New York City  
Department of Education,  
1:22-cv-02048 (PGG)

Your Honor:

I am an Assistant Counsel in the Office of the Corporation Counsel assigned to represent Defendant New York City Department of Education (“Defendant”) in the above-referenced action. Plaintiffs allege that they received a favorable decision on the merits in an underlying administrative hearing and, as such, are entitled to an award of reasonable attorneys’ fees and costs. I write jointly with Plaintiffs’ counsel, Kevin Mendillo, Esq, in connection with the initial pre-trial conference currently scheduled for July 21, 2022.

In light of the fact that the allegations in the Complaint seek only attorneys’ fees and costs, the parties jointly and respectfully suggest that no discovery in this action is required and that entering into a case management plan would not advance the needs of the case. For that reason, the parties also request that the initial pre-trial conference currently scheduled for July 21, 2022 be adjourned *sine die*. The parties have an interest in engaging in good faith settlement negotiations to explore whether the case may be resolved without further judicial intervention. In order to allow time for the parties to do so, and to account for the fact that negotiations may fail, the parties respectfully request that the Court adopt the following briefing schedule for Plaintiffs’ motion seeking attorneys’ fees and costs:

- Plaintiffs’ motion seeking attorneys’ fees and costs due on or before September 16, 2022;
- Defendant’s Opposition to Plaintiffs’ motion due on or before October 17, 2022
- Plaintiffs’ Reply due on or before October 31, 2022

This is the first request to adjourn the initial conference and it is being made jointly. If the request is granted, it would not affect any other deadlines.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ MGT

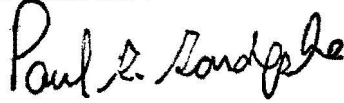
Mark G. Toews  
Assistant Corporation Counsel

cc. **BY ECF**  
Plaintiffs' counsel

**MEMO ENDORSED:**

The conference currently scheduled for July 21, 2022, is adjourned to **September 8, 2022, at 11:45 a.m.** in Courtroom 705 of the U.S. Courthouse, 40 Foley Square, New York, New York.

SO ORDERED.



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Paul G. Gardephe  
United States District Judge  
Dated: July 14, 2022